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WSTR 8465
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Stelzer et al.
Application No.: 10/823,934
Filed: April 14, 2004 (as corrected)
For: ENGINE AIR FILTER AND SEALING SYSTEM

May 3, 2004

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO CORRECT APPLICATION FILING DATE BASED ON
INCORRECT "DATE-IN" ENTERED BY U.S.P.S. ON EXPRESS MAIL LABEL
(37 C.F.R. § 1.10(d))

1. This is a petition to accord the above-identified application a filing date of April 14, 2004, which is the date the application was deposited with the U.S.P.S. with proper postage, utilizing the "Express Mail Post Office to Addressee" service. The April 14, 2004 date is shown by the U.S.P.S. date stamp in the upper right corner of the original "Express Mail" label. However, the U.S.P.S. incorrectly entered a date of April 13, 2004 as the "Date-In" on the original "Express Mail" label. Based on this incorrect "Date-In", the United States Patent and Trademark Office (the "Office") has accorded the application an inaccurate filing date of April 13, 2004, as indicated by the return post card. Consequently, we ask the Office to change the application filing date to the true date of deposit with the U.S.P.S., April 14, 2004. 37 C.F.R. § 1.10(d)(3).

2. Pursuant to 37 C.F.R. § 1.10(d)(1), this petition is being filed promptly after discovery that the Office has accorded an incorrect filing date to the above-identified application.

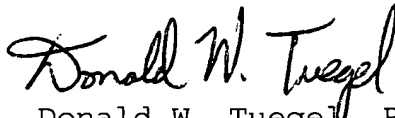
3. Pursuant to 37 C.F.R. § 1.10(d)(2), this petition
* includes a true copy of the first two pages of the application ("UTILITY PATENT APPLICATION TRANSMITTAL"), which were firmly secured to and filed with the entire application, showing that the Express Mail Label No. EV 432654685 US was placed on the

application prior to the original mailing and that the application was deposited with the U.S.P.S. on April 14, 2004.

* 4. As evidence of the mistake set forth in paragraph 1 above, pursuant to 37 C.F.R. § 1.10(d)(3), this petition includes a copy of the Express Mail label showing the incorrect April 13, 2004 "Date-In" entered by the U.S.P.S. and the correct April 14, 2004 deposit date indicated by the U.S.P.S. date stamp in the upper right corner of the label. This petition further includes a copy of the return post card, which shows an inaccurate application filing date of April 13, 2004.

5. The Commissioner is authorized to charge Deposit Account No. 19-1345 for fees, if any, which are due as a result of this petition.

Respectfully submitted,



Donald W. Tuegel, Reg. No. 45,424
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Customer No.: 00321

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I certify that the foregoing PETITION TO CORRECT APPLICATION FILING DATE BASED ON INCORRECT "DATE-IN" ENTERED BY U.S.P.S. ON EXPRESS MAIL LABEL (37 C.F.R. § 1.10(d)) for U.S. Patent Application No. 10/823,934, filed April 14, 2004 (as corrected) is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3rd day of May, 2004.



Carol A. Aschenbrenner

DWT/caa
Enclosures

Senniger, Powers, Leavitt & Roedel

Attorneys at Law

Patents, Trademarks, Copyrights,
Technology Law, Antitrust, Litigation

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Saint Louis, Missouri 63102

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Donald W. Tuegel



April 14, 2004

UTILITY PATENT APPLICATION TRANSMITTAL (new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket Number: WSTR 8465
First Named Inventor: James F. Stelzer
Title: ENGINE AIR FILTER AND SEALING SYSTEM

Express Mail Label Number: EV 432654685 US

EV432654685US

TO: Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION ELEMENTS

1. ☒ Fee Transmittal Form
(original and duplicate)
2. ☐ Applicant claims small entity status
3. ☒ Specification [Total Pages 16]
4. ☒ Drawings [Total Sheets 12]
5. Oath or Declaration [Total Pages 4]
 - a. ☒ Newly executed (original or copy)
☐ New (unexecuted)
 - b. ☐ Copy from a prior application
(for continuation/divisional with
Box 19 completed)
 - i. ☐ DELETION OF INVENTOR(s)
Signed statement attached
deleting inventor(s) named
in prior application.

6. ☐ Incorporation By Reference
(useable if Box 5b is marked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
7. ☒ Application Data Sheet
8. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
9. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

10. ☒ Assignment Papers (cover sheet & document(s))
11. ☐ 37 CFR 3.73(b) Statement ☒ Power of Attorney
12. ☐ English Translation Document (if applicable)
13. ☐ IDS with PTO/SB/O8A ☐ Copies of IDS Citations
14. ☐ Preliminary Amendment
15. ☒ Return Receipt Postcard
16. ☐ Request and Certification for Non-Publication. Form PTO/SB/35 is attached.
17. ☐ Certified Copy of Priority Document(s) if foreign priority is claimed
18. ☐ Other: _____

IF A CONTINUING APPLICATION, CHECK APPROPRIATE BOXES AND SUPPLY THE REQUISITE INFORMATION

19. ☐ Continuation ☐ Divisional ☐ Continuation-in-Part of prior application No.: _____
- ☐ Complete Application based on provisional Application No. _____

Prior application information: Examiner:
Group Art Unit:



EV 432654685 US



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Date 11/13/04	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 13.65	Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Time in 4:14 PM	Military	Return Receipt Fee	Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day		Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
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US APPLICATION

(391)



File WSTR 8465 Attorney DWT/caa
Client Name WESTAR CORPORATION
Application of STELZER et al. 17510 U.S. PTO
10/823934
Title ENGINE AIR FILTER AND SEALING SYSTEM
041304

Express Mail No. EV 43265463-5US

(☒) Utility Application

(☐) Number of claims (☒) Transmittal LTPTO

(☐) 22 Sheets of drawings (☒) Fee Transmittal Form (in duplicate)

(☐) 12 Total Pages of Application (☒) Combined Declaration/Power of Attorney

(☒) 16 Abstract (☒) Filing Fee \$ 846.00 (check enclosed)

(☒) Application Data Sheet (☐) Preliminary Amendment

(☐) Other _____